

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

**ROBERTO RICIERI RIBEIRO,
PLAYERS INTERNATIONAL SERVICES
CORPORATION, and BELCORP OF
AMERICA, INC.,**

Defendants.

CASE NO: 1:11-CR-35

AGREED MOTION AND MEMORANDUM TO CONTINUE TRIAL DATE

COMES NOW the defendants, Belcorp of America, Inc., Players International Services Corporation, and Roberto Ricieri Ribeiro, by counsel, and respectfully move this Court to continue the date scheduled for the entry of a guilty plea in their case to accommodate the travel arrangements of the defendants and counsel, who reside in Florida.

LAW AND ARGUMENT

Whether to grant a motion to continue a trial is within the broad discretion of the district court and will only be found to be an abuse of discretion when the court exhibits “an unreasoning and arbitrary insistence upon expeditiousness in the face of a justifiable request for a delay.” *Morris v. Slappy*, 461 U.S. 1 (1983). Here,

counsel for the defendant believes that in the interest of justice, a delay in the trial is justified in order to properly review the discovery and investigate the possible innocence of the defendant, and/or effectively advise the defendant of the terms of a plea.

Counsel for the defendants have explained to the defendants their right to a Speedy Trial pursuant to 18 U.S.C. § 3161 *et seq.* The defendants concur that, in the interests of justice, a continuance until April 13, 2012 would be appropriate.

Counsel for defendants submit that a failure to grant such a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, pursuant to 18 U.S.C. § 3161 (h)(8)(B)(iv).

Counsel for the defendant has coordinated this Motion with Assistant U. S. Attorney Joe Mott, who does not object to the continuance.

CONCLUSION

For the above reasons, the defendant respectfully requests a continuance of the date scheduled for the entry of the guilty plea. The ends of justice would be best served by this continuance and outweighs the best interest of the public and the defendants in a speedy trial.

WHEREFORE, it is requested that this Court grant a continuance of the trial of this case.

Respectfully submitted,

/s/ Arturo V. Hernandez

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CERTIFICATE OF SERVICE

I hereby certify that on the 22ND day of March, 2012, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to all parties, including the following:

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and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: None.

/s/ Rhonda A. Anderson
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